

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

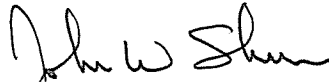
FOUNDRY NETWORKS, INC.,	)	
a Delaware Corporation,	)	
	)	
Plaintiff,	)	
v.	)	C.A. No. 06-470-SLR
	)	
ALCATEL USA RESOURCES, INC.	)	
a Delaware Corporation,	)	
ALCATEL INTERNETWORKING, INC.	)	
a California Corporation	)	
COMPAGNIE FINANCIERE ALCATEL	)	
a French Corporation, and	)	
ALCATEL S.A.,	)	
a French Corporation,	)	
	)	
Defendants.	)	

**MOTION OF DEFENDANTS ALCATEL USA RESOURCES, INC., AND  
ALCATEL INTERNETWORKING, INC. TO DISMISS AMENDED COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(6), Defendants Alcatel USA Resources, Inc. ("Alcatel Resources") and Alcatel Internetworking, Inc. ("AII") hereby move to dismiss Plaintiff's Amended Complaint. The grounds for this motion are fully set forth in Alcatel Resources and AII's Opening Brief in support of their Motion to Dismiss, filed contemporaneously herewith.

WHEREFORE, Defendants Alcatel Resources and AII respectfully request that the Court enter the attached Order granting their Motion to Dismiss the Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(6).

Respectfully submitted,



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ALCATEL USA RESOURCES, INC. AND  
ALCATEL INTERNETWORKING, INC.

Dated: October 11, 2006

**CERTIFICATE OF SERVICE**

I, John W. Shaw, Esquire, hereby certify that on October 11, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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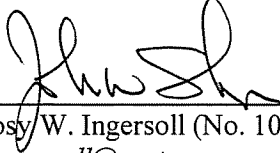
I further certify that on October 11, 2006, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

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COMPAGNIE FINANCIÈRE ALCATEL	)	
a French Corporation, and	)	
ALCATEL S.A.,	)	
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	)	
Defendants.	)	

**ORDER**

At Wilmington this \_\_\_\_ day of \_\_\_\_\_, 2006, having considered Defendants Alcatel USA Resources, Inc. and Alcatel Internetworking, Inc.'s Motion to Dismiss, and the parties' arguments in support of and in opposition to the motion,

IT IS HEREBY ORDERED that Defendants Alcatel USA Resources, Inc. and Alcatel Internetworking, Inc.'s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) is GRANTED.

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United States District Judge